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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,887	04/20/2000	Gregory Kowalick	G1131/20001	5005

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EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,887

Applicant(s)

KOWALICK, GREGORY

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim 16 is canceled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 17 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, does not provide support for the invention as is now claimed, i.e., the current objected claims has added new matters: i) "but not associating the unique biometric data with other personal data related to the player", ii) "the unique player's account not capable of access via electronic funds transfer through a financial institution" and "storing unique biometric data created by biometric input ..."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-15, 17-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crevelt et al (Hereinafter Crevelt: US 5,902,983) in view of Soltest et al (Hereinafter Soltest: US 2001/0011680 A1).

Re. Claims 1, 13, 17, 24 and 32, Crevelt discloses methods and apparatus for controlling monetary transactions on gaming machines and employing electronic funds transfer systems directly coupled to gaming machines (optional) for the purpose of obtaining playing credit, input means, registration apparatus connected to a central computer having a central data repository [see entire document particularly, Abs; C3 L19-L42; C4 L54 to C6 L9; C9 L1-L30], encode card (cashless, tokenless) [C1 L53-L64] providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus [C1 L27-L30], storing data created by the input means in the central data repository, inputting into the payment input means and, amount of money; and storing the amount of money input in a unique player's account in the central computer, identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample (PIN number, SmartCard, finger print, retinal scan, etc) input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository, player's name or identification (not associating the unique biometric data with other personal data related to the player) [C4 L54 C6 L9; C12 L20-L27], authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming

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apparatus, debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted, and paying said player any money remaining in said player's account after said player no longer desires to play, whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus [Fig. 1-2, 4-5; C1 L6 to C2 L29; C3 L12 to C4 L30; C4 L 54 to C6 L9] and coupon, casino issued encoded card, or casino account (the unique player's account not capable of access via electronic funds transfer through a financial institution) [C1 L53-L64; C11 L10-L52], and purging the unique biometric data and the unique player's account from the central computer after the step of paying said player any money remaining in said player's account, to provide for privacy of the player [C7 L52 to C9 L29]. Crevelt, explicitly, does not disclose kiosks and providing a biometric registration apparatus having at least one registration biometric input means, player logoff means. However, Soltest discloses self service kiosk, providing a biometric registration apparatus having at least one registration biometric input means, player logoff means [Abs; C1 para. 0002-0006, 0010-0014; C3 para. 0037-0038]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Crevelt and include ability of biometric input means, as taught by Soltest, to secure the player fund and credit card from unauthorized use.

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Further, it is well known that ATM (kiosk) are activated (user registering using PIN (tokenless biometric registration)) by inserting valid credit card or touch screen and user is log off when the credit card (debit card or smart card) is removed from ATM or logoff button is touched (selected) and vending machine start by inserting coin and has a reset button.

Re. Claims 4-5, and 25-26 Crevelt discloses where the step of paying said player money remaining in said player's account includes providing a payout machine having a payout input means and where the step of providing the payout machine includes providing a payout machine that is integral to at least one of said casino gaming apparatus [C3 L12-L67].

Re. Claims 6, 18 and 27 Crevelt, explicitly, does not disclose where the steps including providing the registration biometric input means and the gaming apparatus biometric input means that utilize fingerprints; hand pants, retina scans, or voice prints. However, Soltest discloses self service kiosk, and where the steps including providing the registration biometric input means and the gaming apparatus biometric input means that utilize fingerprints; hand pants, retina scans, or voice prints [Abs; C1 para. 0002-0007; C3 para. 0037-0038]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Crevelt and include ability of biometric input means, as taught by Soltest, to positively verify the players identity to protect the players play and fund.

Re. Claims 7-8, 19-20, and 28-29 Crevelt discloses where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards and where the step including providing the payment input means includes providing a payment input means that accepts currency [C1 L6 to C2 L13].

Re. Claims 9-10 and 30-31 Crevelt discloses where the step of providing the plurality of gaming apparatus includes providing slot machines and video gaming machines [C1 L39-L47; C3 L1-L11; C4 L53-L67], and where the step of providing the plurality of gaming apparatus includes providing generic access machines [C11 L35-L52].

Re. Claims 11-12, Crevelt discloses the step of collecting player data related to players' use of said plurality of casino gaming apparatus to the central computer having the central data repository, and where the player data collected includes data concerning type of casino gaming apparatus, quantity of casino gaming apparatus played, time spent on each casino gaming apparatus, and money spent on each casino gaming apparatus [C5 L35-L40; C6 L41-L65].

Re. Claims 14 and 21-22 Crevelt discloses including the step of purging the unique biometric data and the unique player's account from the central computer after the step of paying said player any money remaining in said player's account, to provide for

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privacy of the player, and including the step of providing a keypad on the biometric registration apparatus for using a PIN and wherein the step of registering a player includes entering a PIN [C7 L52 to C9 L29].

Re. Claim 15, Crevelt discloses wherein the step of providing the plurality of gaming apparatus includes providing gaming apparatus having a video screen for displaying information related to the player's unique player's account [C1 L6-L17; C3 L19-L28].

Re. Claim 23 Crevelt discloses display [C1 L6-L17; C3 L19-L27]. Crevelt, explicitly, does not disclose wherein the step of providing the plurality of kiosks includes providing kiosks having a video screen for displaying information related to the user's unique user's account. However, Soltest discloses self service kiosk and wherein the step of providing the plurality of kiosks includes providing kiosks having a video screen for displaying information related to the user's unique user's account [Abs; Fig. 1; C2 paragraphs 0006, 0016-0017, 0028].

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crevelt in view of Soltest, as applied to claim 1 above, and further in view of Theimer et al (US Pat 5,603,054)

Re. Claims 2-3, Crevelt discloses control buttons. Neither Crevelt nor Soltest, explicitly, disclose wherein the step of providing the plurality of gaming apparatus with the player

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log off means includes providing a player logoff proximity sensor. However it is well known the gambling machines do have reset button. Further, Theimer et al discloses wherein the step of providing the plurality of gaming apparatus with the player log off means includes providing a player logoff proximity sensor and wherein the step of providing the plurality of gaming apparatus with the player logoff means includes providing a player logoff button [Abs, C1 L34 to C2 L67; C27 L1-L67]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Crevelt and include means for logoff (logging off), as taught by Theimer et al, to reset, turn off, or stop the game while the player is away from the machine.

Response to Arguments

3. Applicant's arguments filed 7/28/2003 with respect to claims 1, 17 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 2-3 have been fully considered but they are not persuasive. See Theimer et al entire document, it discloses sensors and users proximity to the computing device (game machine) [Fig. 20, C2 L20-L25; C5 L50-L56; C27 L43-53]. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

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not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding consideration of IDS, Examiner's thanks Applicant for this omission. The initial Information Disclosure Statements (paper # 2 and 3) were considered in previous office action but they were not check-off in form PTO-326 and are included in this office action IDS paper # 8 is duplicate copies of initial IDS' (papers # 2 & 3).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

IBM (technical Disclosure Bulletin, 1993) discloses "Personal Computer Environmental Control Via a Proximity Sensor" which describes use of proximity sensor with PC where the PC could enter a security mode and lock-up automatically when the user leaves the area.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass *HTD*
Examiner
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10/1/03

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